

Introduced by Senator Brulte

May 19, 1998

An act to amend Sections 49520 and 49523 of, to add Sections 49501.3 and 49501.5 to, and to repeal and add Section 49521 of, the Public Resources Code, relating to solid waste, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 2241, as introduced, Brulte. Solid waste: handling services.

Existing law, the California Integrated Waste Management Act of 1989, authorizes a solid waste enterprise, as defined, if a local agency has authorized the solid waste enterprise, by franchise, contract, license, or permit, to provide those services and those services have been provided for more than 3 previous years, to continue to provide those services up to 5 years after mailed notification to the solid waste enterprise by the local agency having jurisdiction that exclusive solid waste handling services are to be provided or authorized, unless the solid waste enterprise has an exclusive franchise or contract. The act subjects a solid waste enterprise providing solid waste handling services to specified requirements regulating the handling of solid waste under specified conditions.

This bill would define the terms "license" and "lawfully provided" for purposes of the act. The bill would subject a solid waste enterprise providing continuation services pursuant to those provisions to specified conditions when

mailed notification is issued by a city following the city's annexation of an area, as provided.

The act authorizes any local agency or solid waste handling enterprise to contract, upon mutually satisfactory terms, for the termination of all or any part of the business of the solid waste enterprise before the expiration of a specified period.

This bill would prohibit a local agency or solid waste enterprise from waiving specified requirements governing the continuation of solid waste handling services.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares that
2 the addition of Sections 49501.3 and 49501.5 to the Public
3 Resources Code, which define the terms “lawfully
4 provided” and “license” for purposes of laws regulating
5 solid waste enterprises, and the changes to Sections 49520
6 and 49521 of the Public Resources Code that are made by
7 this act do not constitute changes in, but are declaratory
8 of, existing law.

9 SEC. 2. Section 49501.3 is added to the Public
10 Resources Code, to read:

11 49501.3. “Lawfully provided” means the services of
12 the solid waste enterprise are in substantial compliance
13 with the terms and conditions of its franchise, contract,
14 license, or permit.

15 SEC. 3. Section 49501.5 is added to the Public
16 Resources Code, to read:

17 49501.5. “License” means a solid waste license issued
18 by a local agency or a business license issued by a local
19 agency if the local agency has not established any other
20 form of authorization for the lawful provision of solid
21 waste handling services.

22 SEC. 4. Section 49520 of the Public Resources Code is
23 amended to read:



1 49520. If a local agency has authorized, by franchise,
2 contract, license, or permit, a solid waste enterprise to
3 provide solid waste handling services and those services
4 have been *lawfully* provided for more than three
5 previous years, the solid waste enterprise may continue
6 to provide those services up to five years after mailed
7 notification to the solid waste enterprise by the local
8 agency having jurisdiction that exclusive solid waste
9 handling services are to be provided or authorized, unless
10 the solid waste enterprise has an exclusive franchise or
11 contract.

12 If the solid waste enterprise has an exclusive franchise
13 or contract, the solid waste enterprise shall continue to
14 provide those services and shall be limited to the
15 unexpired term of the contract or franchise or five years,
16 whichever is less.

17 SEC. 5. Section 49521 of the Public Resources Code is
18 repealed.

19 ~~49521. A solid waste enterprise providing solid waste~~
20 ~~handling services is subject to this chapter only under~~
21 ~~both of the following conditions:~~

22 ~~(a) The services of the solid waste enterprise are in~~
23 ~~substantial compliance with the terms and conditions of~~
24 ~~the franchise, contract, license, or permit, and meet the~~
25 ~~quality and frequency of services required by the local~~
26 ~~agency in other areas not served by the solid waste~~
27 ~~enterprise.~~

28 ~~(b) The rates charged by the enterprise may be~~
29 ~~periodically reviewed and set by the local agency.~~

30 SEC. 6. Section 49521 is added to the Public Resources
31 Code, to read:

32 49521. A solid waste enterprise providing
33 continuation solid waste handling services pursuant to
34 Section 49520 shall be subject to the following conditions
35 when mailed notification is issued by a city following the
36 city's annexation of an area:

37 (a) The solid waste enterprise shall ensure that its
38 services meet the quality and frequency of services
39 required by the city in other areas of the city that are not
40 served by the solid waste enterprise.

1 (b) If the city has established rates for solid waste
2 handling services, the solid waste enterprise may be
3 required by the city to adhere to those rates that are
4 comparable to any rates that the city has established for
5 other areas of the city that are not served by the solid
6 waste enterprise.

7 SEC. 7. Section 49523 of the Public Resources Code is
8 amended read:

9 49523. Any local agency or solid waste handling
10 enterprise may contract, upon mutually satisfactory
11 terms, for the termination of all or any part of the business
12 of the solid waste enterprise before the expiration of the
13 period specified in Section 49520. *A local agency or solid*
14 *waste enterprise may not waive the provisions of this*
15 *chapter.*

16 SEC. 8. This act is an urgency statute necessary for the
17 immediate preservation of the public peace, health, or
18 safety within the meaning of Article IV of the
19 Constitution and shall go into immediate effect. The facts
20 constituting the necessity are:

21 In order to clarify provisions of existing law that
22 provide for the continuation of rights to solid waste
23 licensees, thereby preventing the premature termination
24 of the right to do business by those licensees in
25 communities that are converting to exclusive solid waste
26 franchising systems in this state, at the earliest possible
27 time, it is necessary that this act take effect immediately.

